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General and complete disarmament

Assistance to States for curbing illicit traffic in small arms and collecting them

The illicit trade in small arms and light weapons in all its aspects

Report of the Secretary-General**

Summary

The present report summarizes the activities undertaken at the national, subregional and regional levels in Africa in response to requests made by States for United Nations assistance in their efforts to curb the illicit trade in and to collect and dispose of small arms pursuant to General Assembly resolution 58/58.

The report also provides an overview of the implementation by the United Nations and by States of General Assembly resolution 58/241, including the outcome of the broad-based consultations held with Member States, interested regional and subregional organizations, international agencies and experts in the field on further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering in small arms and light weapons.

The report also presents an overview of action taken to implement the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, adopted by the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.

The report covers activities undertaken from July 2003 to July 2004.

* A/59/150.

** The present report contains the results of the broad-based consultations on illicit brokering activities held on 15 July 2004.

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolutions 58/58 of 8 December 2003, entitled "Assistance to States for curbing the illicit traffic in small arms and collecting them", and 58/241 of 23 December 2003, entitled "The illicit trade in small arms and light weapons in all its aspects".

II. Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects

A. Activities undertaken by the United Nations system

1. General Assembly

Open-ended working group to negotiate an international instrument to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons

(a) Organizational session

2. In its resolution 58/241, the General Assembly decided to establish on open-ended working group, to meet in three sessions of two weeks each, to negotiate an international instrument to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons; and decided that the open-ended working group would hold an organizational session in New York on 3 and 4 February 2004 in order to set the dates for its substantive sessions.

3. Pursuant to resolution 58/241, the organizational session of the Open-Ended Working Group on Tracing (see http://disarmament2.un.org/cab/salw-oewg.html) was held in New York on 3 and 4 February 2004. It was opened by the Under-Secretary-General for Disarmament Affairs. Anton Thalmann (Switzerland) was elected Chairperson by acclamation and Vice-Chairpersons were elected from the following countries: Belgium, Brazil, Colombia, Germany, India, Japan, Lithuania, Mexico, Morocco, Serbia and Montenegro, Sierra Leone, South Africa and Ukraine. The Working Group decided to hold its three substantive sessions in New York from 14 to 25 June 2004, from 24 January to 4 February 2005 and from 6 to 17 June 2005, respectively.

(b) First substantive session

4. The first substantive session of the Open-Ended Working Group on Tracing, held from 14 to 25 June 2004, was attended by representatives of 106 Member States. Sixty-two non-governmental organizations were also accredited to the Working Group.

5. At its first substantive session, the Open-Ended Working Group on Tracing held 19 plenary meetings, the first 5 of which were allocated to general debate, a meeting was devoted to a general exchange of views on the nature of the future international instrument on tracing and 2 meetings were allocated to presentations by international and regional organizations. The remainder of the session was

devoted to thematic discussions on the three key elements of tracing, namely, marking, record-keeping and international cooperation.

Consultations on further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering in small arms and light weapons

6. Pursuant to paragraph 11 of General Assembly resolution 58/241, the Department for Disarmament Affairs held broad-based consultations on further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering in small arms and light weapons with all Member States, interested regional and subregional organizations, international agencies and experts in the field.

7. In order to assist Member States and others involved in conducting the consultations, the Secretariat prepared a background paper providing an overview of regional and international initiatives to combat illicit brokering and a summary of identified areas of concern.

8. Informal consultations open to all Member States, entities of the United Nations system, non-governmental organizations and experts in the field, were held in Geneva on 21 April and 24 May and in New York on 11 June and 15 July 2004.

9. Moreover, in order to ensure that the views of regional organizations and States were fully taken into account, the Department for Disarmament Affairs conducted additional consultations at the regional level during the Regional Meeting on Small Arms and Light Weapons in Central Asia, held in Almaty from 16 to 18 March 2004, and at the United Nations Development Programme (UNDP)/ Department for Disarmament Affairs workshop on the implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, adopted by the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects[1] for the members of the Nairobi Declaration on the Problem of the Proliferation of Illicit Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa (A/54/860-S/2000/385, annex) on 20 and 21 May 2004 in Nairobi. The Department also briefed the 46 members of the ad hoc working group on small arms and light weapons and landmines of the Euro-Atlantic Partnership Council of the North Atlantic Treaty Organization on the issue, in Brussels on 30 April 2004. At the subregional workshop on national reporting on the Programme of Action, co-organized by the Department and UNDP in Tunisia on 14 and 15 June 2004, the Department held an informal exchange of views with States of the Maghreb and consultations with the League of Arab States. Finally, consultations on brokering were held during a meeting of senior representatives of the Department and the Organization for Security and Cooperation in Europe in New York on 18 May 2004.

10. The Institute for Security Studies hosted a workshop on understanding and regulating arms brokering in southern Africa in Johannesburg, South Africa, from 15 to 17 March 2004 and presented its conclusions to the Department for Disarmament Affairs as part of the regional consultations. The Department also participated in a conference on combating illicit small arms brokering and trafficking in West Africa organized in Abuja from 22 to 24 March 2004 by the Economic Community of West African States (ECOWAS), in collaboration with the

Governments of the Netherlands, Norway and the United Kingdom of Great Britain and Northern Ireland.

11. In addition to the consultations, on 14 January 2004 the Department sent a note verbale requesting the views of Member States on the subject. The views received from Member States are reflected in the present report.

12. In order to reflect the views of relevant experts in the field and non-governmental organizations, the Department requested the International Action Network on Small Arms to provide it with a consolidated report on the views of non-governmental organizations. The World Forum on the Future of Sport Shooting Activities was one of the non-governmental organizations that participated in the consultations.

Issues of concern

13. Several key issues were raised during the consultations, in particular that of the definition of the term "brokering" and whether related activities, such as financing, transport and export controls, should be included in the core definition. The need for harmonization of legislation to prevent the circumvention of existing mandated by the Security Council arms embargoes and regional regulations, as well as the importance of eliminating loopholes in national legislation were also discussed. In that regard, it was generally agreed that Member States were ultimately responsible for putting in place relevant legal and administrative measures and improving national brokering controls.

14. All those involved agreed on the importance of building on existing regional initiatives in order to strengthen an international regime and on the fact that the international community should strengthen cooperation using existing mechanisms. It was proposed that the international community should establish a set of minimum standards drawn from existing initiatives at the regional level. Participants in the consultations also agreed that effective information exchange on registration systems, legislation, activities and registered brokers or brokering operations would greatly promote and strengthen an efficient international control regime. In that regard, the importance of raising awareness as well as exchanging information and working at the regional level to identify issues of common concern was also recognized.

15. Non-governmental organizations participating in the consultations stressed the need for urgent action in establishing a set of minimum standards and effective systems of control to be adopted by Member States. They spoke in favour of the establishment of a legally binding instrument on brokering and the establishment of a follow-up mechanism to the consultations. They also called for preventive measures to be adopted and highlighted the impact that illicit brokering in small arms had on human security and human rights.

Outcome of the consultations

16. The following options were considered for follow-up to the consultations: to establish a group or a panel of governmental experts; to conduct consultations with regional organizations; to make use of scheduled meetings at the regional and subregional levels to conduct further consultations on the issue of brokering; and to continue the informal consultations in New York and Geneva. There was general

agreement that the consultations had been useful and that they should be continued, in particular at the regional level. Some concerns were raised about the way forward and the capacity of the Secretariat to service several groups at the same time.

17. During the consultations there was consensus among participants that it was urgent and important for the international community to deal with illicit brokering of small arms and light weapons. In that regard, all participants noted that it was of paramount importance to devise a generally accepted process to advance the issue further. Participants noted that the options presented to work on the way forward were not mutually exclusive. They stressed that the consultations had been useful in putting the issue of brokering on the agenda of the international community and that the Secretariat should continue them.

18. Most participants noted that they would favour the establishment of a group or a panel of governmental experts as soon as possible to consolidate existing common understandings on key aspects of the problem and, to the extent possible, to forge consensus on the outstanding issues. Some participants noted that the process undertaken in the areas of marking and tracing could be a useful model to be followed with regard to illicit brokering. A majority of States noted that they intended to discuss the issue further during the meetings of the First Committee of the General Assembly at its fifty-ninth session.

19. Participants did not reach consensus on other key areas, namely, on the timetable for the establishment of a group or panel, since some participants noted that the small arms agenda was already heavy until the conference to review implementation of the Programme of Action, to be held in 2006. In that regard, some participants noted that it would be advisable first to conclude the work of the Open-Ended Working Group on Tracing before engaging in further work on brokering. Limitations in terms of financial and human resources were also an issue of concern for some participants, while others highlighted the fact that not taking action on the issue would also have costs in terms of human suffering. Other delegations noted, however, that moving too fast on the issue might jeopardize consensus.

20. Participants called upon the Department for Disarmament Affairs to strengthen its cooperation with regional organizations in order to provide them with expert advice, assist their members in enacting relevant legislation and assist the organizations in establishing adequate regional mechanisms.

21. In addition, Member States requested the Department to promote the activities and ensure coordination among national points of contact regarding the implementation of the Programme of Action, establish a clearing house for information exchange and facilitate bilateral agreements to exchange information, analyse the different regional approaches on the issue of brokering in order to achieve common positions, make use of existing mechanisms and international organizations (e.g. the Customs Cooperation Council (also known as the World Customs Organization), and the International Criminal Police Organization (Interpol)) to devise methods of strengthening an international control regime.

2. Security Council

22. On 19 January 2004, the Security Council held an open debate on the issue of small arms (see S/PV.4896). The Under-Secretary-General for Disarmament Affairs

introduced the report of the Secretary-General of 31 December 2003 on small arms (S/2003/1217 and Corr.1), presenting an overview of the implementation of the 12 recommendations contained in his previous report (S/2002/1053), which covered the following main topics: implementation of the Programme of Action; actions and arms embargoes mandated by the Security Council; conflict prevention, peace-building and disarmament, demobilization and reintegration; and confidence-building. In its subsequent presidential statement (S/PRST/2004/1), the Council welcomed the report of the Secretary-General and requested him to update the Council for its next meeting on the subject of the further implementation of the recommendations contained in his previous report.

23. The Security Council also addressed the issue of small arms in the context of its consideration of issues, such as Security Council missions (see S/PV.4911 and S/PV.4899); the protection of civilians in armed conflict (see S/PV.4877); children and armed conflict (Council resolution 1539 (2004)); and the role of business in conflict prevention, peacekeeping and post-conflict peace-building (see S/PV.4943).

24. In its presidential statement of 25 July 2003 (S/PRST/2003/12) on the item entitled "Security Council missions", the Council emphasized the importance of a subregional approach to issues such as small arms and light weapons, mercenaries, child soldiers and humanitarian access. It stressed that follow-up activity by the United Nations would require close cooperation and coordination throughout the United Nations system. Action in those areas should also involve the appropriate subregional organizations, especially in West Africa. The Council invited the Secretary-General to follow up on those recommendations which lay within his responsibility. On 5 December 2003, the Secretary-General submitted a progress report on the recommendations of the Security Council mission to West Africa (S/2003/1147 and Corr.1), which the Council discussed in an open debate on 23 January 2004 (see S/PV.4899 and Corr.1). On 20 January 2004, the Secretary-General submitted a progress report on the recommendations of the Security Council mission to Central Africa (S/2004/52), which the Council discussed in an open debate on 17 February 2004 (see S/PV.4911).

25. On 12 March 2004, the Secretary-General submitted a report on ways to combat subregional and cross-border problems in West Africa (S/2004/200), which the Council discussed in an open debate on 25 March 2004 (see S/PV.4933). At the close of that meeting, the Council issued a presidential statement entitled "Cross-border issues in West Africa" (S/PRST/2004/7), in which it invited the member States of ECOWAS to take all necessary steps to better combat illegal trafficking in small arms and light weapons in the region, such as the establishment of a regional register of small arms.

26. Several of the Council's subsidiary bodies have also been actively considering the small arms issue. It will be recalled that the Programme of Action recognized that the illicit trade in small arms and light weapons sustained conflicts, exacerbated violence, contributed to the displacement of civilians, undermined respect for international humanitarian law, impeded the provision of humanitarian assistance to victims of armed conflict and fuelled crime and terrorism. In that context, the Counter-Terrorism Committee established pursuant to resolution 1373 (2001) of 28 September 2001 has continued to receive reports from Member States, which, inter alia, outline measures adopted nationally, such as legislation concerning the

acquisition, possession, import and export of small arms, with a view to preventing terrorists from obtaining such armaments.

27. Sanctions committees, panels of experts and monitoring groups have been established with respect to the Democratic Republic of the Congo,[2] Liberia,[3] Somalia[4] and Al-Qaida and the Taliban, aimed at improving compliance with arms embargoes imposed by the Council. Several of those panels have made a series of recommendations, including that the United Nations consider approving measures to harmonize the various controls necessary to ensure that man-portable air defence systems do not fall into the hands of non-state actors and terrorist groups, in particular the Al-Qaida network and its associates;[5] and that it establish a monitoring mechanism to investigate and verify violations of the arms embargo against Somalia,[6] which the Council established by paragraph 2 of its resolution 1519 (2003) of 16 December 2003.

3. Coordinating Action on Small Arms

28. The Coordinating Action on Small Arms mechanism consists of 17 United Nations entities[7] and was established by the Secretary-General in 1998 to enable the Organization to bring a holistic and multidisciplinary approach to bear on this complex and multifaceted global problem.

29. Pursuant to General Assembly resolutions 58/58 and 58/241, the activities outlined below were undertaken under the auspices of CASA in order to promote the implementation of the Programme of Action and to provide assistance to States.

30. UNDP, the United Nations Institute for Disarmament Research and the Department for Disarmament Affairs jointly developed a project to assist States in reporting on their implementation of the Programme of Action, including three categories of support, namely, an assistance package, a support service that includes a reporting help desk and online support. In order to promote the project, a brochure containing details of the project and information about how to obtain assistance and submit reports was produced and made available to States. During the reporting period, representatives of 27 countries participated in regional meetings and workshops organized by UNDP and the Department for Disarmament Affairs with the aim of supporting them in the preparation of their national reports. A further 25 countries were provided with the reporting assistance package and three of them also received support from the reporting help desk that has been set up. Local UNDP offices provided advice for the preparation of the national report of their respective host country.

31. UNDP and the Department for Disarmament Affairs signed a memorandum of understanding on 25 May 2004, which defines the scope, areas and instruments of cooperation between UNDP and the Department in the field of small arms and light weapons and is expected to give further impetus to CASA activities, both at Headquarters and in the field.

32. The Department for Disarmament Affairs and UNDP organized the Regional Meeting on Small Arms and Light Weapons in Central Asia in Almaty in March 2004, in cooperation with the Organization for Security and Cooperation in Europe. Other CASA members, namely, the United Nations Office on Drugs and Crime, the Office of the United Nations High Commissioner for Refugees, the Department of Public Information, the United Nations Development Fund for Women and the

World Health Organization also contributed to the Regional Meeting. Issues addressed included regional trends in small arms and light weapons, challenges arising in the implementation of the Programme of Action and international and regional cooperation. A workshop on reporting on the implementation of the Programme of Action was held at the end of the meeting. In addition, the Department for Disarmament Affairs conducted a needs assessment to identify the priorities of each country of the region in the fight against illicit small arms and light weapons. As a result of that assessment, a request for assistance was made by the Government of Tajikistan and a CASA project development mission, including the Department of Political Affairs, the Department of Economic and Social Affairs, United Nations Development Programme and the Department for Disarmament Affairs is scheduled to visit Tajikistan in September 2004.

33. Another joint UNDP/Department for Disarmament Affairs initiative was the workshop on the Programme of Action held in Nairobi on 20 and 21 May 2004, in close collaboration with the Nairobi Secretariat on Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa. The workshop focused on global initiatives and regional experiences related to the implementation of the Programme of Action and on reporting and international assistance. The workshop also included a discussion on how to harmonize the reporting procedures for the Programme of Action and the Nairobi Declaration. During the workshop, representatives of the Department for Disarmament Affairs and UNDP discussed practical modalities of cooperation and assistance with representatives of the Nairobi Secretariat and the Kenya national focal point on small arms.

34. On the occasion of the first substantive session of the Open-Ended Working Group on Tracing, the Department of Public Information and the Department for Disarmament Affairs jointly published a compilation of General Assembly and Security Council documents related to small arms and light weapons entitled "Small arms and light weapons: selected United Nations documents".

4. Department for Disarmament Affairs

35. In accordance with paragraph 13 of General Assembly resolution 58/241, the Department for Disarmament Affairs continued to collate and circulate data and information provided by States on a voluntary basis, including national reports, on the implementation of the Programme of Action, national legislation on small arms and light weapon, as well as national points of contact for the implementation of the Programme of Action.[8]

36. The Department for Disarmament Affairs organized or co-organized conferences, seminars and workshops in Africa, Asia, Europe and Latin America and the Caribbean and designed and implemented the following activities: weapons collection and disposal programmes in Paraguay; a capacity-building workshop for senior armed forces and security officials of member States of the Economic Community of Central African States in Cameroon; capacity-building activities for national commissions in Togo; and training courses in Brazil, Costa Rica and El Salvador. Further information on those initiatives is contained in other reports of the Secretary-General to be submitted to the General Assembly at its fifty-ninth session.[9] The Department also participated in a number of follow-up events to the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, held in New York from 9 to 20 July 2001.[10]

37. In the framework of the small arms education project, "Developing peace and disarmament education initiatives to disarm children and youth", being implemented in Albania, Cambodia, the Niger and Peru since February 2003, each of the four country partners has adapted teaching strategies to its unique and culturally defined needs. The countries have focused on developing community-based peace and disarmament education teams, educational curricula, programmes in schools and non-formal education programmes, creating and applying results from implementing assessment tools, training of peace and disarmament education teachers and developing ideas for replicability and sustainability.

5. Department of Peacekeeping Operations

38. The three peacekeeping missions in West Africa — the United Nations Mission in Sierra Leone, the United Nations Mission in Liberia and the United Nations Mission in Côte d'Ivoire — and the Office of the Special Representative of the Secretary-General for West Africa are actively cooperating to mitigate the cross-border and regional dimensions of their disarmament, demobilization and reintegration programme, with a view to ensuring that small arms and light weapons are not moved from one conflict area to another in West Africa.

6. Department of Public Information

39. The Department of Public Information, in consultation with the Department for Disarmament Affairs and other CASA partners, developed and implemented a communications strategy to promote the United Nations First Biennial Meeting of States to Consider the Implementation of the Programme of Action, held in New York from 7 to 11 July 2003 (see A/CONF.192/BMS/2003/1). The main focus of public information activities was: (a) to call attention of the international community to the dangers associated with the illicit trade in small arms and light weapons; (b) to raise awareness among the world's public of the progress made by the United Nations and its Member States in the implementation of the Programme of Action; and (c) to show the role of non-governmental organizations, especially in the developing countries, in helping Governments to implement specific projects related to small arms and light weapons. In implementing the strategy, the Department of Public Information utilized television, radio, print, outreach and Internet channels, as well as the network of the United Nations information centres and services.

7. Office of the Special Representative of the Secretary-General for Children and Armed Conflict

40. The Office of the Special Representative of the Secretary-General for Children and Armed Conflict continues to draw attention to the impact of small arms and light weapons on children and to advocate action to redress the situation. As a result, the Security Council, in its resolution 1539 (2004) of 22 April 2004, expressed its intention to take appropriate measures, in particular while considering subregional and cross-border activities, to curb the linkages between illicit trade in natural and other resources, illicit trafficking in small arms and light weapons, cross-border abduction and recruitment and armed conflict, and their impact on children, and consequently requested the Secretary-General to propose effective measures to control that illicit trade and trafficking.

41. The Office of the Special Representative of the Secretary-General for Children and Armed Conflict established an inter-agency task force in May 2004 to prepare the Secretary-General's fifth report to the Security Council on children and armed conflict and follow-up to resolution 1539 (2004).

8. United Nations Office on Drugs and Crime

42. The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/255, annex), is the first instrument of global application in the field and sets out a comprehensive system to control the movement of firearms, their parts and components and ammunition. The Firearms Protocol requires the criminalization of offences relating to the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, as well as to tampering with markings on firearms. With the aim of supporting action against the criminal offences established by it, the Protocol also sets out various control measures, including on marking, licensing or authorization systems, record-keeping, confiscation, seizure and disposal, deactivation of firearms, and brokers and brokering.

43. Subsequent to the entry into force on 29 September 2003 of the United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/25, annex II), on 25 December 2003 of its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Assembly resolution 55/25, annex I), and on 28 January 2004 of its Protocol against the Smuggling of Migrants by Land, Air and Sea, the United Nations Office on Drugs and Crime has shifted its focus to promoting ratification of the Firearms Protocol. The latter instrument currently has 52 signatories and needs 40 ratifications for entry into force; 21 States had ratified the Protocol as at 31 May 2004. In order to facilitate its assistance to States in the ratification and implementation process, the Office has drafted a legislative guide for the implementation of the Firearms Protocol, which identifies legislative requirements, issues arising from those requirements and options available to States in drafting the necessary legislation. The guide will soon be made available in all official languages. In addition, the Office has initiated joint cooperation with ECOWAS in addressing the illicit trade in small arms in West Africa and is assisting in drafting an ECOWAS convention on small arms.

9. United Nations Children's Fund

44. In response to the Programme of Action, the United Nations Children's Fund (UNICEF) has finalized a pilot project to raise awareness and address the impact of small arms in four countries: Kosovo (Serbia and Montenegro), Somalia, southern Sudan and Tajikistan. Supported by the United Nations Foundation/United Nations Fund for International Partnerships, the project's objective was to initiate change in the attitudes and behaviour of children, their families and communities so as to promote opposition to the use of small arms.

45. These pilot projects have highlighted the following key lessons:

(a) The importance of recognizing and utilizing the contributions of women and girls in weapons collection programmes and of ensuring that they benefit from any incentives provided for such activities;

(b) The need to conduct gender-sensitive research into the indirect impact of small arms on local communities in particular with regard to the breakdown of medical and social services, food production and agriculture;

(c) The relevance of public campaigns and programmes using the media to disseminate positive and non-violent messages, challenging traditional gender roles and cultures of violence;

(d) The importance of offering adolescents and youth effective and long-term alternatives, especially economic alternatives, to armed violence.

10. United Nations Development Programme

46. By providing developmental solutions to the challenges posed by the proliferation of small arms and light weapons, UNDP is committed to reducing the demand for guns and the opportunities for their use and to offering other avenues towards security, sustainable livelihoods and development opportunities. Relying on over 130 country offices, UNDP takes a field-based approach to ensure that its work is well integrated into local processes and structures and that it is coordinated closely with other partners active in a given country. UNDP, through the Small Arms and Demobilization Unit of its Bureau for Crisis Prevention and Recovery, sets out to translate the global political commitment of States, as reflected in the Programme of Action, into practical activities by implementing small-arms-related projects at the country and regional levels. In the period under review, UNDP initiated new projects in Argentina, Bosnia and Herzegovina, Brazil, the Central African Republic, Colombia, Ghana, Haiti, Honduras, Kenya, Liberia, Papua New Guinea, the Republic of the Congo, Sierra Leone, Solomon Islands, Somalia, the Sudan and the former Yugoslav Republic of Macedonia. Many of the projects involve providing technical and financial assistance for weapons collection, destruction and/or stockpile management. In addition, UNDP has provided continuous technical advice and support to projects in Albania, Bulgaria, Comoros, the Democratic Republic of the Congo, El Salvador, Kosovo (Serbia and Montenegro), the Niger, Paraguay, Peru, Sao Tome and Principe and Somalia. UNDP also supports a number of regional small arms programmes in West Africa, the Great Lakes region of Africa, South-Eastern Europe and Central America.

47. In the past few years, UNDP has developed a number of new global initiatives designed to link its operational activities with global political initiatives. Firstly, UNDP launched a global programme of capacity development in the reduction of small arms and light weapons to develop effective methodologies and tools to build, develop and further enhance the capacity of a variety of actors engaged with small arms issues, including national and regional authorities, UNDP and other agency staff and civil society organizations. Within the overall framework of capacity development, UNDP, jointly with the Department for Disarmament Affairs and the United Nations Institute for Disarmament Research, is implementing the project on capacity development for reporting on the Programme of Action, which, as indicated in paragraph 30 above, provides assistance to States in report on their implementation of the Programme of Action. Furthermore, UNDP has developed a strategy for awareness-raising on small arms issues, which will be field tested in different settings, and has produced a compendium of all national small-arms-related legislation, through its regional programme in South-East Europe, to initiate steps for harmonization of legislation in the region. Lastly, UNDP has launched a new

global Armed Violence Prevention Programme to document the impact of armed violence on poverty and health in close cooperation with the World Health Organization (WHO).

11. Office of the United Nations High Commissioner for Refugees

48. The Agenda for Protection of the Office of United Nations High Commissioner for Refugees (UNHCR) outlines key objectives and inclusive measures to address security-related concerns and ensure the physical safety and international protection of refugees, in particular in refugee camps and large settlements. Conclusion No. 94 (LIII)-2002 of its Executive Committee specifically addresses the issues of maintaining the civilian and humanitarian character of asylum. In line with the conclusion, a round table of experts was convened in June 2004 in order to support the development of measures for the disarmament of armed elements and the identification, separation and internment of combatants, including the clarification of relevant procedures and standards, in consultation with States, United Nations entities and other interested organizations, such as the International Committee of the Red Cross. UNHCR has been requested to report back to its Executive Committee on progress achieved. The round-table meeting has drafted main conclusions that will serve as the basis for the operational guidelines currently being prepared by UNHCR on behalf of all those responsible for and involved in ensuring the maintenance of the civilian and humanitarian character of asylum.

49. Of crucial importance is the direct relationship between and implementation of conclusion No. 94 and the Secretary-General's ten-point platform on the protection of civilians in armed conflict, which embodies key protection issues, including specific points on the security needs of refugees and internally displaced persons. Equally important is the need to address the impact of small arms and light weapons.

12. United Nations Institute for Disarmament Research

50. The United Nations Institute for Disarmament Research, in a joint initiative with the Department for Disarmament Affairs, UNDP and the Small Arms Survey as technical consultant, has undertaken an analysis of the national reports on the implementation on the Programme of Action submitted to the Secretary-General in July 2003. The aim of the second phase of the project is to develop the long-term capacity of countries affected by small arms to report on their implementation of the Programme of Action, to participate in information-sharing and confidence-building measures and to enhance the implementation of the Programme of Action.

51. The Geneva Process is a joint project of the United Nations Institute for Disarmament Research, the Quaker United Nations Office, Geneva, and the Programme for Strategic and International Security Studies, under the umbrella of the Geneva Forum. The process is a series of open-ended meetings with governmental experts, United Nations entities, non-governmental organizations and research institutes held approximately every six weeks to discuss the effective implementation of the Programme of Action and in particular the outcome of the First Biennial Meeting of States (see para. 39 above), the way forward, the Firearms Protocol and brokering in small arms.

13. World Health Organization

52. WHO participated in the First Biennial Meeting of States. The focus its report and statement to the Meeting was threefold: (a) that the Programme of Action provided a framework for a comprehensive set of actions to address the problem; (b) that, despite this, a number of important aspects of the Programme of Action were underdeveloped, notably the call for simultaneously approaching the issue from the supply and demand perspectives and the call for action-based research; and (c) that WHO was prepared to work with others within the framework provided by the Programme of Action to address those issues.

53. Subsequently WHO and UNDP joined forces to develop the Armed Violence Prevention Programme. This action-research partnership will draw on WHO experience in analysis of armed violence, its impact and the evidence base for its prevention and the strong operational capacities of UNDP in sectors relevant to violence prevention at the country level. The major objective of the partnership is to reduce the demand for small arms in countries slated for inclusion in the Programme through reductions in violence. This would be achieved through improved policies and strategies at the national level, stronger capacity for violence prevention, direct support for and evaluation of promising practices in the area of violence prevention and more integrated approaches to violence prevention within the international community.

B. Activities undertaken at the regional and subregional levels

54. During the period under review, regional and subregional organizations have been increasingly active in implementing the Programme of Action, as illustrated below.

55. The States parties signatories to the Nairobi Declaration, through the Nairobi Secretariat on Small Arms, have developed and agreed on the Implementation Plan of the Coordinated Agenda for Action on the Problem of the Proliferation of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa, which focuses on seven key areas: institutional framework, regional cooperation and coordination, legislative measures, operationalization and capacity-building, control measures (control, seizures, forfeiture, distribution, collection and destruction), information exchange and record-keeping and public education and awareness, including of the culture of peace.

56. The Nairobi Secretariat organizes and hosts annual meetings of governmental experts and a ministerial review conference with the participation of civil society, the Friends of the Nairobi Declaration, spearheaded by the Government of the United Kingdom, and regional and international organizations and agencies. Those meetings offer an opportunity for, inter alia, assessing proposed courses of actions and reviewing progress in the implementation of the Nairobi Declaration.

57. The Ministerial Review Conference held in Nairobi on 20 and 21 April 2004 brought together participants from 11 countries: Burundi, Democratic Republic of the Congo, Djibouti, Eritrea, Ethiopia, Kenya, Rwanda, Seychelles, Sudan, Uganda and United Republic of Tanzania. At the end of the Conference, the ministers of foreign affairs and plenipotentiaries signed the comprehensive Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa (see http://disarmament2.un.org/cab/salw-orgs.html).

58. The Programme for Coordination and Assistance for Security and Development in Africa and SaferAfrica hosted a workshop in Pretoria on 4 and 5 September 2003 on small arms and light weapons in West Africa: implementation support.

59. Together with the Governments of the Netherlands, Norway and the United Kingdom, the ECOWAS secretariat organized the Conference on Combating Illicit Small Arms Brokering and Trafficking in West Africa in Abuja from 22 to 24 March 2004. A proposal for remodelling the ECOWAS Moratorium on the Importation, Exportation and Manufacture of Light Weapons in West Africa, established in 1998, into a more binding and enforceable instrument was discussed. Member States referred also to the need for an instrument that would deal not only with issues stipulated in the Moratorium but also with all other aspects of the illicit trade in small arms and light weapons, including the issue of brokering, as stipulated in the Programme of Action.

60. The North Atlantic Treaty Organization has continued to develop its activities in areas contributing directly to the implementation of the Programme of Action. Activities in the Euro-Atlantic Partnership Council have been pursued and new international organizations and non-governmental organizations have been invited to address the Council through the guest speaker programme. On 30 April 2004, a representative of the Department for Disarmament Affairs was invited to brief the Council on the overall and regional aspects of the process and other disarmament issues. That contribution was highly appreciated by the Council, which expressed its willingness to see cooperation developed further.

61. In the ad hoc working group on small arms and light weapons and mine action of the Euro-Atlantic Partnership Council, a specific emphasis is now being placed on the fight against the proliferation of man-portable air defence systems. Both the Wassenaar Arrangement on Export Control for Conventional Arms and Dual-Use Goods and Technologies and the United Kingdom provided detailed briefings on the subject on 11 June 2004 and encouraged all States of the group to reinforce their cooperation on the issue.

62. The Euro-Atlantic Partnership Council has one ongoing operational project in Albania, involving the destruction of 11, 650 tons of small arms and light weapons munitions. The total cost of the project is 6.5 million euros.

63. The region covered by the Organization for Security and Cooperation in Europe (OSCE) has faced a number of threats in the politico-military dimension that are either new or have changed in nature or impact. In response, the OSCE Ministerial Council called upon member States to focus special attention on the illicit trafficking and uncontrolled spread of conventional weaponry and small arms and light weapons and the potential for criminals and terrorist organizations to gain access to them. In March 2003, the OSCE Permanent Council adopted decision No. 535,[11] in which it called for the provision of assistance for dealing with small arms and light weapons in the post-conflict rehabilitation period and the destruction of excessive stockpiles of that type of weapon. Following that decision, the OSCE Forum for Security Cooperation, has since mid-2003 been directly involved in the first practical project, which responds to a request from Belarus for assistance in the destruction of surplus small arms and light weapons.

64. The Forum for Security Cooperation, perceiving that man-portable air defence systems pose a serious threat if terrorist groups gain access to them, by its decision 7/03[12] requested the Conflict Prevention Centre of the OSCE secretariat to develop an overview of information exchanged annually by States.

65. The Forum for Security Cooperation also developed and adopted the Document on Stockpiles of Conventional Ammunition on 19 November 2003, which contains a set of measures aimed at providing assistance with destruction of a wide range of conventional ammunitions.

66. As part of the implementation of the OSCE Document on Small Arms and Light Weapons of 24 November 2000 and the United Nations Programme of Action, OSCE launched its *Handbook of Best Practices on Small Arms and Light Weapons* on 1 December 2003. Designed to serve as a guide for national policy-making and to encourage higher common standards of practice among all the 55 participating States, its eight chapters cover all stages of control over small arms and light weapons, as follows: procedures for the control of manufacture; marking systems, record-keeping and traceability; procedures for stockpile management and security; control of brokering activities; export and import policy; definition and indicators of a surplus; techniques and procedures for destruction; and disarmament, demobilization and reintegration processes.

67. OSCE organized various seminars, workshops and training activities related to the implementation of its Document and the United Nations Programme of Action.

68. The European Union has continued its work on conventional disarmament through the implementation of its Code of Conduct on Arms Exports of 8 June 1998. The Code of Conduct is a comprehensive international arms export control regime that provides a high degree of internal and external transparency. In the fifth annual report on the Code of Conduct, more information regarding export licences and denials has been included.[13] In November 2003, agreement was reached on a user's guide that clarifies member States' responsibilities in the area of sharing information on denials. The Council of the European Union also adopted an updated version of the Common Military List of equipment, as covered by the Code of Conduct, on 17 November 2003.[14]

69. On 23 June 2003, the Council adopted a Common Position on the control of arms brokering, aimed at regulating arms brokering so as to avoid the circumvention of United Nations, European Union or OSCE embargoes on arms exports.[15] The Common Position establishes a set of provisions, to be implemented through national legislation, requiring member States to take all the necessary measures to control brokering activities on their territory or carried out by brokers of their nationality.

70. The 33 participating States[16] of the Wassenaar Arrangement, at its ninth plenary meeting, held in Vienna from 10 to 12 December 2003, carried out a wide-ranging review of the functioning of the Arrangement. Important steps were taken to enhance export controls on conventional arms and dual-use goods and technologies, with special emphasis on strengthening the capabilities of member Governments to combat the threat of terrorism.

71. A number of major initiatives were also approved at the meeting, including tightening controls over man-portable air defence systems, agreeing to enhance transparency of small arms and light weapons transfers, establishing elements for

national legislation on arms brokering, adopting end-use-oriented controls and encouraging member Governments to impose export controls on certain unlisted items, when necessary to support United Nations arms embargoes.

72. The Stability Pact for South-Eastern Europe is an ad hoc coalition created in July 1999 to promote stability in a wider sense in South-East Europe. Its Working Table III addresses security issues, including landmines and small arms and light weapons. At its meeting in Tirana in December 2003, Working Table III called for enhanced regional cooperation to tackle the multiple challenges in the area of security sector reform. On small arms and light weapons, the Working Table agreed that the national focal points should play a much more significant role in the information management process and that cooperation between relevant non-governmental organizations and civil society organizations needs to be improved. The countries of South-East Europe were encouraged to improve their technical standards, a prerequisite for the effectiveness and safety of any intervention related to small arms and light weapons.

C. Activities undertaken at the national level

73. At the time of completion of the present report, the Department for Disarmament Affairs had received 28 national reports on the implementation of the Programme of Action (see http://disarmament2.un.org/cab/salw-nationalreports.html for the text of the reports).

III. Conclusions

74. **During the period under review, the implementation of the Programme of Action has gained further momentum. Across the globe, States, the United Nations and other international and regional organizations have consolidated previous activities and developed new ones, often in partnerships also involving civil society and specialized non-governmental organizations.**

75. **The establishment of the Open-Ended Working Group on Tracing to negotiate an international instrument on tracing illicit small arms and light weapons constitutes a particularly significant step in this connection. By engaging in such negotiations, the international community is taking a major and fundamental step forward in the development of international norms to fight the scourge of small arms and light weapons. The broad-based consultations on illicit brokering held by the Secretariat have highlighted once again the complex nature of the small arms challenge and the need to continuously develop the capacity of affected States to address its multiple facets.**

76. **The various initiatives undertaken by United Nations departments, specialized agencies and funds, both individually and collectively under the auspices of the CASA mechanism, testify to the fact that assistance to States and development of capacity for the implementation of the Programme of Action have remained a central priority of the United Nations in its efforts to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects.**

Notes

[1] See *Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, New York, 9-20 July 2001* (A/CONF.192/15), chap. IV, para. 24.

[2] See the letter dated 21 April 2004 from the Secretary-General addressed to the President of the Security Council appointing a four-member group of experts on the arms embargo against the Democratic Republic of the Congo imposed by the Council in its resolution 1493 (2003) for a period expiring on 28 July 2004 (S/2004/317).

[3] See the letter dated 16 January 2004 from the Secretary-General addressed to the President of the Security Council in connection with its Committee established pursuant to resolution 1521 (2003) concerning Liberia, appointing a five-member panel of experts on Liberia for a period of five months (S/2004/40).

[4] The Monitoring Group on Somalia was established pursuant to paragraph 2 of resolution 1519 (2003).

[5] See the letter dated 1 December 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities addressed to the President of the Security Council (S/2003/1070), annex, para. 200.

[6] See the letter dated 4 November 2003 from the Chairman of the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia addressed to the President of the Security Council, transmitting the report of the Panel of Experts on Somalia, in accordance with paragraph 7 of resolution 1474 (2003) (S/2003/1035); and paras. 174 and 175 of the report.

[7] The Department for Disarmament Affairs, the Office for the Coordination of Humanitarian Affairs, the Department of Economic and Social Affairs, the Department of Political Affairs, the Department of Peacekeeping Operations, the Department of Public Information, the United Nations Children's Fund, the United Nations Development Programme, the Office of the Special Representative of the Secretary-General for Children and Armed Conflict, the Office of the United Nations High Commissioner for Human Rights, the Office of the United Nations High Commissioner for Refugees, the United Nations Institute for Disarmament Research, the United Nations Office on Drugs and Crime, the United Nations Development Fund for Women, the World Bank, the World Health Organization and the United Nations Environment Programme.

[8] The electronic copies of data and information provided by States on a voluntary basis can be accessed on the web site of the Department for Disarmament Affairs (http://disarmament.un.org/cab/salw.html). The Department also maintains printed versions of the documents, which are available for consultation by Governments.

[9] See the reports of the Secretary-General on the United Nations Regional Centre for Peace and Disarmament in Africa (A/59/209), the United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific (A/59/169) and the United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean (A/59/157).

[10] See *United Nations Disarmament Yearbook 2003*, vol. 28 (in preparation).

[11] *Permanent Council Journal*, No. 440.

[12] *Forum for Security Cooperation Journal*, No. 403.

[13] See *Official Journal of the European Union*, C 320/1, vol. 46.

[14] See *Official Journal of the European Union*, C 314/1, vol. 46.

[15] See *Official Journal of the European Union*, L 156/79, vol. 46.

[16] Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Slovakia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom and the United States of America.